

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

DALE R. LUDWICK, on behalf of Herself  
and All Others Similarly Situated,

Plaintiff,

v.

HARBINGER GROUP, INC., FIDELITY &  
GUARANTY LIFE INSURANCE  
COMPANY, RAVEN REINSURANCE  
COMPANY, and FRONT STREET RE  
(CAYMAN), LTD.,

Defendants.

Case No.: 15-00011-CV-W-DGK

**JOINT MOTION TO EXTEND PRETRIAL DEADLINES AND TRIAL DATE**

Plaintiff Dale R. Ludwick and Defendants Harbinger Group, Inc. (“HRG”), Fidelity & Guaranty Life Insurance Company (“FGLIC”), Raven Reinsurance Company (“Raven”), and Front Street Re (Cayman), Ltd. (“Front Street”) (collectively the “Parties”), respectfully move this Court for an order extending the pretrial deadlines and trial setting by approximately six months. This is the Parties’ first request for an extension with respect to any of the pretrial deadlines in this complex putative class action. As grounds for this motion, the Parties state as follows:

1. After the parties completed briefing on Defendants’ Motion to Dismiss for Failure to State a Claim pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b) on June 19, 2015, the Court on July 13, 2015 entered a Scheduling and Trial Order (Doc. 37) (“Scheduling Order”) establishing pretrial deadlines. Among other things, the Scheduling Order set deadlines for completion of fact discovery by June 1, 2016, and for completion of expert discovery by September 23, 2016. Scheduling Order at 1. On November 23, 2015, the Court entered an Amended Scheduling Order (Doc. 49), which set the date for the final pretrial conference on April 18, 2017, and a beginning trial date of May 15, 2017.

2. As set forth more fully below, in the months following entry of the initial Scheduling Order, the Parties have actively engaged in pretrial discovery and associated activities. However, the Parties need additional time to complete discovery in this complex case. The Parties therefore respectfully request that the Court adopt the following amended schedule, which extends the pretrial deadlines and trial setting by approximately six months:

<b>Event</b>	<b>Proposed Deadline</b>
Motions to Join Additional Parties	June 25, 2016
Motions to Amend Pleadings	June 25, 2016
Fact Discovery Motions	November 18, 2016
Fact Discovery Cutoff	December 1, 2016
Motion for Class Certification	December 1, 2016
Plaintiff's Expert Disclosures	January 3, 2017
Defendants' Expert Disclosures	February 12, 2017
Plaintiff's Expert Rebuttal Disclosures <sup>1</sup>	March 13, 2017
Expert Discovery Motions	April 10, 2017
Expert Discovery Cutoff	April 24, 2017
Dispositive Motions	May 18, 2017
Motions to Strike Experts	May 18, 2017
Final Pretrial Conference	October 17, 2017 or such other date established by the Court.
Trial	November 17, 2017 or such other date established by the Court.

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<sup>1</sup> The proposed pretrial schedule adds a deadline for Plaintiff to submit expert rebuttal reports as contemplated by Fed. R. Civ. P. 26(a)(2)(D).

3. As noted, the parties have been actively engaged in pretrial discovery since the Court's initial Scheduling Order. On July 2, 2015, Plaintiff served Defendants with her first request for production of documents, consisting of approximately 150 separate requests encompassing, among other things, financial, accounting, actuarial documents and electronic data. (Doc. 35) On September 4, 2015, Defendants served objections and responses to Plaintiff's document requests and agreed to produce responsive documents on a rolling basis. (Doc. 43). The parties are currently meeting and conferring with respect to Defendants' objections in an effort to resolve their differences without the need for motion practice, and Defendants have not yet completed production of documents responsive to Plaintiff's first request for production of documents. The Parties anticipate that they will complete the meet and confer process contemplated under the Local Rule 37.1 within the next two to three weeks and that any remaining contested issues will be submitted for determination by the Court shortly thereafter.

4. To facilitate the discovery process, the Parties have engaged in discussions to agree on a Protective Order governing the production and treatment of confidential materials and an Electronic Discovery Protocol establishing procedures for the identification, collection and production of electronically stored information. The Parties have reached agreement on most terms of the proposed Protective Order and Electronic Discovery Protocol and are completing the meet and confer process in an attempt to resolve the few remaining outstanding issues. The Parties are hopeful that they will finalize the Protective Order and Electronic Discovery Protocol within the next ten (10) days and they intend to promptly request a discovery conference if they are unable to reach agreement. Finalization of the Protective Order and Electronic Discovery Protocol will permit Defendants to complete production of documents responsive to Plaintiff's initial document requests, subject to the resolution of the meet-and-confer process discussed above.

5. The Parties have engaged in additional discovery beyond Plaintiff's initial document requests. Defendant FGLIC has served Plaintiff with interrogatories, requests for admissions and a document request. Plaintiff submitted her objections and responses on January

15, 2016. In addition, Plaintiff recently served Defendants with interrogatories and a notice of deposition directed to FGLIC's current appointed actuary. Plaintiff anticipates scheduling additional depositions in the near future as Defendants produce additional documents responsive to the outstanding discovery requests.

6. The Parties also have participated in two telephonic sessions before the MAP mediator. The Parties' ability to engage in substantive settlement negotiations has been complicated by a pending proposed sale of FGLIC which, if consummated, will likely not close before May of 2016.

7. Defendants' Joint Motion to Dismiss (Doc. 23) ("Motion") currently remains pending before the Court. Under the present pretrial schedule, the deadline for amending the pleadings is January 25, 2016. The Court's order on Defendants' Motion could result in the need for Plaintiff to file an amended pleading, which could not be accomplished under the current deadlines. In addition, if Plaintiff is required to amend her Complaint based on the Court's order addressing Defendants' Motion, such amendment may impact the scope of discovery by the Parties, as well as this proposed schedule.

DATED: January 26, 2016

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